

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1-4 and 10-14. Claims 1-4, 13 and 14 are amended herein, and new claim 16 is added. Claim 5 is cancelled, claim 15 remains cancelled and claims 6-9 remain withdrawn. No new matter is presented. Thus, claims 1-4 and 10-16 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. § 112¶1:**

Claims 1-4 and 10-14 were rejected under 35 U.S.C. § 112¶1. Specifically, the Examiner asserts that automatically comparing the amount of said ingredient searched out with remaining amounts of the previously used ingredients of the other menus is not described in the Specification.

Applicants respectfully submit that the feature discussed in the previous paragraph is described at least in paragraphs 10, 16, 19, 20, 21, 23, 26, 28, 29, Figs. 2-4, 11D and 12A including corresponding texts. Specifically, the Specification describes determination of whether an ingredient of a menu matches remaining ingredient(s) based on automatic (without requiring manual input of the user) comparison of an amount of the ingredient of the menu with an amount of the remaining ingredient(s).

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102(e):**

Claims 1-4 and 10-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0165803 (lwase) and claim 14 was rejected as being anticipated by U.S. Patent No. 6,370,513 (Kolawa).

The Examiner maintains that lwase teaches use of remaining amounts of “previously used ingredients of other menus” as taught by the claimed invention. The Examiner specifically points to paragraphs 13, lines 21-28; 17, lines 18-27, lines 22-29; 105 and 107 of lwase as teaching this feature of the invention. These portions of lwase specifically state:

“... first memory means for storing the ingredient information input by the input means, and the host computer comprises: **second memory means for storing a plurality of dish names and names of ingredients necessary for making each dish**; first acquisition means for acquiring the name of an ingredient necessary for making the dish by searching the second memory means, when a dish information request is received from the portable device; second acquisition means for acquiring the ingredient information stored in the first memory means on the ingredient purchased to make the dish; detection means for detecting the name of one or more deficient ingredients for

making the dish by **comparing one or more ingredient names obtained from the ingredient information acquired by the second acquisition means and one or more ingredient names acquired by the first acquisition means**; and transmission means for transmitting to the portable device the information on the one or more deficient ingredient names detected by the detection means" (emphasis added).

(paragraph 13, lines 10-28 of lwase)

"... specifying means for searching the second memory means with one or more ingredient names obtainable from the total information, when total information on the ingredients purchased by the portable device is received, and specifying one or more dish names of a dish preparable from one or more ingredients; search means for searching for recipe information on one or more dishes stored in the memory means, on the basis of one or more dish names specified by the specifying means; and control means for performing a control to print out the recipe information on one or more dishes searched by the search means through the digital multifunctional peripheral."

(paragraph 17, lines 18-29 of lwase)

"FIG. 11 shows an example of the structure of the inventory table 34a of the inventory DB 34. The inventory table 34a manages the inventory of the commodities treated in the shop. The inventory 34a comprises a commodity code, the number of inventories, bargain item distinction, retail price and possible next arrival of goods. The number of inventories is decreased as a customer has purchased the commodity. The "bargain item distinction" indicates distinction between a time-limited sale item, a term-limited sale item, etc. For example, in association with commodity code "AA5326327", the number of inventories "100", the bargain item distinction "A", the retain price "55" and the possible next arrival of goods "Oct. 9, 2000" are produced.

In addition, the recipe DB 35 has an ingredient table 35b shown in FIG. 13. The ingredients of dishes are stored in the ingredient table 35b shown in FIG. 13. The ingredient table 35b comprises a dish name and ingredients. For example, the ingredients of the dish name "Paella" are "rice", "opinion", "garlic" and "red bell pepper."

(paragraphs 105 and 107 of lwase)

As can be seen from the above discussion, these portions of lwase do not discuss the claimed use of remaining amounts of "previously used ingredients of other menus." For the above-discussed reason, the Examiner does not appear to have established a priori case of anticipation. For this reason it is requested that the rejection be withdrawn.

In particular, lwase is limited to indicating deficiency of ingredient information input by the user based on stored ingredients identifying necessary ingredients for dishes. The comparison in lwase is between stored ingredients necessary for a particular dish and ingredients/items purchased or input by the user via the input means.

The claimed invention searches for ingredients of a menu using remaining ingredients of previous other menus.

Independent claim 1, by way of example, recites “searching out the ingredients and the amounts thereof, from the menu storage means, corresponding to said menu information using remaining previously used ingredients of other menus.” Claim 1 further recites, “automatically comparing the amount of said ingredient searched out by the ingredient amount searching means with remaining amounts of the previously used ingredients of the other menus corresponding to the sale unit searched by the sale unit searching means and outputting a result indicative thereof.”

Similarly, claims 2-4 recite, “searching out the ingredients and the amounts thereof corresponding to said menu information using remaining previously used ingredients of other menus.”

Independent claim 13 recites that “the amount of the ingredient indicated by the menu search is searched for using remaining amounts of previously used ingredients of each menu corresponding to the indicated sale unit.” Claim 13 further recites that an indication is provided “when the ingredient indicated is less than the sale unit and the sale unit of each ingredient is associated with the menu information including the previously used ingredients of each menu.”

At item 8 of the outstanding Office Action, the Examiner relies on Kolawa for rejecting claim 14 and indicates that Kolawa teaches the claimed “storing a first successful sale coefficient”, “computing expected sales of the ingredients of the first menu...” and “computing the expected sales of the ingredients of the second menu...” This, however, is not an accurate description of the recitation of claim 14

Independent claim 14 as amended recites, “automatically searching ingredient information of each of the menu items including remaining previously used ingredient of the second menu responsive to a search request” and “indicating when the ingredient constituting the first menu item is less than an amount of the previously used ingredient constituting the second menu item.”

Kolawa is limited to calculating ingredients of dishes to compile a shopping list based on user needs and preferences. In Kolawa, a comparison is made between an item's product vector and a user preference vector to determine how close the item matches the user's preferences (see, col. 3, line 20-32 and Fig. 8 including corresponding text). Thus, Kolawa does not teach or suggest use of “remaining previously used ingredient”, as recited in claim 14.

Iwase and Kolawa, alone or in combination, do not teach or suggest searching out the ingredients of a menu entered through terminals "using remaining previously used ingredients", as recited in each of the independent claims.

It is submitted that the independent claims are patentable over Iwase and Kolawa.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Iwase and Kolawa. The dependent claims are also independently patentable. For example, claims 9-12 recite, "transmitting ingredients of a first menu and a number of distributions of the first menu to a user terminal" and "transmitting ingredients of a second menu inquired in relation to the first menu and a number of the inquiries of the second menu to the user terminal".

Iwase and Kolawa, alone or in combination, do not teach or suggest the above-discussed features of claims 9-12 in relation to use of "remaining" ingredients as recited in the independent claims.

Therefore, withdrawal of the rejection is respectfully requested.

#### **NEW CLAIM:**

New claim 16 has been added to recite, "receiving a new menu information from a user" and "searching for ingredients necessary for the new menu using remaining ingredients of a previous menu." Claim 16 further recites, "providing said obtained ingredients for the new menu to the user upon determination that amounts of ingredients necessary for the new menu are less than remaining amounts of the previous menu."

Iwase and Kolawa, alone or in combination, do not teach or suggest the above-discussed features of claim 16 including, "searching for ingredients necessary for the new menu using remaining ingredients of a previous menu."

It is submitted that new claim 16 is patentably distinguishable over Iwase and Kolawa.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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